



Tom Lantos Human Rights Commission

The State of Religious Freedom Around the Globe

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Virtual via Cisco WebEx

As prepared for delivery

Good afternoon. I join Co-Chair Smith in welcoming everyone to this Human Rights Commission hearing on the state of freedom of thought, conscience and religion around the globe.

I want to begin by remembering Father Stan Swamy, an 84-year-old Jesuit priest who died in the custody of the Indian government on July 5. May he rest in peace and power.

Father Stan spent five decades fighting for the rights of the indigenous people known as Adivasis in what is now the state of Jharkhand in India. Last October he was arrested and accused of having instigated an outbreak of caste-based violence.

An independent analysis found that the evidence used to accuse him had been planted on a computer, but no matter – investigators and courts ignored his bail requests and kept him in jail.

Even after he caught COVID.

Even though he could barely hold a glass of water due to his Parkinson's.

Until he died.

In the aftermath of Father Stan's death, reports and condemnations of his treatment have poured in. All mention that he was a Jesuit priest.

[One](#) said that he paid for being a true Christian.

[Another](#) linked his death to purported efforts of the Hindu nationalist movement to force Christians out of India.

Father Stan's case can be read as one of Christian persecution.

But there is more to the story.

Yes, Father Stan's faith played a role, because that faith led him to devote his life to fighting for justice for the poor and dispossessed.

But the law under which he was charged is not about religion at all.

Father Stan was arrested and held without trial for nine months under the Unlawful Activities Prevention Act, India's draconian anti-terrorism law.

The law has been [widely criticized](#) for targeting peaceful dissenters, human rights defenders and journalists. [A number of other people](#), including poets, lawyers, activists and writers, were charged along with him.

Father Stan's case is one example of how the right to freedom of religion intersects with other fundamental rights – the freedoms of speech and association, the right to equal protection under the law, the right to a fair and public hearing, the right to be presumed innocent – all of which are protected under international human rights law.

Father Stan's death happened because all these rights – which the government of India is legally obligated to respect, protect and fulfill – were violated.

This is why it is so important to understand and foster the right to freedom of belief or religion in relationship to the full range of human rights, as some of our witnesses will emphasize.

There are a couple of other issues we will hear about this afternoon that I want to highlight.

First, all of us have a responsibility to make sure that our efforts to protect freedom of religion do not deepen conflict or exacerbate sectarian divides. One way that can happen is by attributing complex conflicts to religious differences when many other causes are also at play.

Second, we need to ask ourselves how we decide which religions, or which sets of beliefs, are deserving of recognition.

Father Stan was fighting for the rights of indigenous peoples in India whose identity and culture are linked to the communal lands they were deprived of.

In this hemisphere we do not recognize the spiritual relationship that indigenous people have to land and nature as religious. As a result we do not characterize the stealing of their land as a religious freedom issue. I believe we need to rethink that.

Third, I want to draw your attention to the [most recent report](#) by the U.N. Special Rapporteur on freedom of religion or belief.

He urges us to pay attention to the ways that discrimination and exclusion on the grounds of identity, including religious identity, intersect with discrimination in access to essential services, resources and opportunities.

His report summarizes how denial of access to education, lack of security of land tenure, hunger, and denial of legal identity affect religious communities – among others.

The treatment of the Baha'i in Iran is an example of some of this. It's another reason we need to look at all rights as an integrated whole.

I would like to close with a call for humility.

As Americans, we think of ourselves as a beacon for freedom of religion. After all, it's the first freedom addressed in the first amendment to the U.S. Constitution.

But the First Amendment is one powerful sentence, and it enumerates many of our most cherished rights: the freedom to exercise religion; the freedom of speech and of the press; the right to peaceably assemble; and the right to petition the Government for redress of grievances. From the founding of our nation, freedom of religion was defined within the context of a body of interdependent rights.

As a Catholic, I am just old enough to remember the anti-Catholic discrimination that John F. Kennedy had to face during his presidential campaign.

I am sure we all remember that the last administration [sought to ban entry](#) to the United States for Muslims.

Let's also remember that only two years ago the Supreme Court [denied the request](#) of a death row inmate to be accompanied by his Muslim spiritual advisor as he was executed.

And just this week the *Washington Post* published an [article](#) about the desire of a new religious movement to replace the separation of church and state with a world in which their

version of Christianity would control all spheres of life including government – a theocratic vision.

In light of our own history, perhaps it is time for Congress to mandate that the United States be included in annual analyses of the state of freedom of belief or religion around the world.

We would learn from comparing U.S. practices with other countries. And it would send a strong message that we hold our own country to the same universal standards we expect others to uphold.

We are about to hear some very powerful testimony from the witnesses. I thank them for being here and I yield back.